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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE DELL INSPIRON COMPUTER
(SERIAL NO. 6VHBGD1) AND VISUAL
DEPICTIONS ON THE HARD DRIVE,

Defendant.

TODD WILLIAM GROWNEY,

Claimant.

No. 3:09-CV-03174 MMC

~~STIPULATION AND ORDER CONTINUING~~
THE STAY UNTIL SENTENCING AND
WITHDRAWING CLAIMANT'S CLAIM AND
ANSWER AS OF THE DATE OF SENTENCING ;
DIRECTIONS TO PLAINTIFF

The parties agree, subject to the Court's approval, that the stay in this case be continued until the sentencing of claimant Todd William Growney who is defendant in *United States v. Growney*, No. 3:11-CR-00195 CRB. Sentencing in that case is scheduled for February 19, 2014 and is expected to go forward at that time. The parties further agree, subject to the Court's approval, that as of the time of sentencing of Growney that Growney agrees that he his claim and answer in this civil forfeiture case are withdrawn and that defendants in this action can be forfeited to the United States without further notice to him. Following the sentencing, the United States anticipates filing a proposed default judgment for defendants in this action.

On August 8, 2013, Growney plead guilty to Count Two of an Indictment charging him with Destruction of Property to Prevent Seizure, in violation of 18 U.S.C. § 2232(a). *United States v. Growney*, No. 11-CR-00195 CRB, Plea Agreement, filed August 8, 2013. In that Plea Agreement, Growney agreed to withdraw his verified claim and answer in this civil forfeiture case. *Id.*

Although neither defense counsel nor Assistant U.S. Attorney Laura Vartain Horn anticipate defendant's plea in the criminal case to be rejected, Growney submits that until sentencing the plea which falls under Fed. R. Crim. P. 11(c)(1)(C) and was therefore only conditionally accepted by Judge Breyer at the time the plea was entered. Accordingly, the parties requests this action be stayed until Growney is sentenced and that, at the time of sentencing, his claim and answer in this case will be deemed to be withdrawn such that the United States can proceed to forfeit defendants in this civil forfeiture action without further notice to Growney.

IT IS SO STIPULATED:

MELINDA HAAG
United States Attorney

Dated: February 6, 2014

/S/
PATRICIA J. KENNEY
Assistant United States Attorney
Attorneys for the United States

Dated: February 6, 2014

/S/
ROBERT J. BELES
Attorney for Claimant Todd William Growney

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1 Pursuant to the forgoing stipulation, it is hereby ORDERED that the stay of the instant case is
2 continued until the sentencing of defendant in Case No. 3:11-CR-00195 CRB, and that, as of the
3 sentencing of defendant who is also claimant in this action, claimant's claim and answer in this action
4 are deemed withdrawn such that the United States can proceed with the forfeiture of defendants in this
5 action without further notice to claimant.

6 IT IS FURTHER ORDERED that plaintiff, no later than March 28, 2014, shall file a motion for default
7 judgment or a statement indicating why it should not be required to do so.

8 Dated: February 10, 2014


HONORABLE MAXINE S. CHESNEY
United States District Judge